

**IN UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

IN RE: BEXTRA AND CELEBREX
MARKETING AND SALES PRACTICES
AND PRODUCT LIABILITY LITIGATION

MDL Docket No. 1699

Judge Charles R. Breyer

JAMES BOATWRIGHT, et al.,

Plaintiff,

v.

MONSANTO COMPANY, et al.,

Defendants.

STIPULATION AND PROPOSED
ORDER OF DISMISSAL
WITHOUT PREJUDICE

CASE NO. 3:06-cv-2443-CRB

IT IS HEREBY STIPULATED AND AGREED by and between counsels for the Plaintiff and counsel for the Defendants that the Complaints of Plaintiff **Nancy R. Wesley** and **Wilma Thompson** are hereby dismissed without prejudice.

1. Plaintiffs are Nancy R. Wesley and Wilma Thompson; defendants are Pfizer, Inc., Pharmacia Corporation, Monsanto Company, and G.D. Searle L.L.C.;
2. On April 6, 2006, Plaintiffs sued Defendants;
3. Plaintiffs move to dismiss their claims against Defendants;
4. Defendants have not answered these claims;
5. This case is not a class action;
6. A receiver has not been appointed to this action;
7. Plaintiffs have not dismissed an action based on or including the same claims as those present in this suit.

8. Should Plaintiffs or a representative of Plaintiffs attempt to re-file their claims against Defendants, they shall do so only by filing said claims in Federal Court.

Respectfully submitted:

Dated: 9/25/06

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Dated: 9/25/06

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Defendant's Liaison Counsel

PURSUANT TO STIPULATION, IT IS SO ORDERED

Dated: Sept. 26, 2006

Honorable Charles R. Breyer
United States District Court
Northern District of California

